

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOHANNA MARIA ANNA van BOURGONDIEN-  
LANGEVELD, et al.,

Plaintiffs,

ORDER

-against-

CV 12-1272 (DRH)(ETB)

JOHN FREDERICK van BOURGONDIEN, et al.,

Defendants.

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By letter application dated February 26, 2013, plaintiffs' counsel requests a further extension of time to effect service in connection with their motion to hold defendant John Frederick Van Bourgondien in contempt, filed on April 30, 2012. See Order to Show Cause dated May 17, 2012.

The application for an extension is denied as untimely. This is not the first request for such relief. By Order dated October 4, 2012, plaintiffs were granted a 120-day extension to effect service. They failed to comply and were granted an additional 30-day extension. See Order dated Jan. 24, 2013. The within application was filed after the expiration of the 30-day period and, for that reason, is untimely. See Hnot v. Willis Group Holdings, Ltd., No. 01 Civ. 6558, 2006 WL 2381869, at \*3 (S.D.N.Y Aug. 17, 2006) ("[A] scheduling order is the critical path chosen by a trial judge and the parties to fulfill the mandate of [Federal Rule of Civil Procedure] 1 in 'secur[ing] the just, speedy, and inexpensive determination of every action . . . . In order to establish good cause [to modify the scheduling order], the moving party must demonstrate diligence in its effort to comply with the court-ordered deadlines.") (citing Goewey v. United States, 886 F. Supp. 1268, 1283 (D.S.C. 1995) ("A scheduling order is not a

frivolous piece of paper, idly entered, which can be cavalierly disregarded by counsel without peril.”) (additional citations omitted).

The motion for contempt initiated by order to show cause dated May 17, 2012 is terminated. This termination is without prejudice to renewal.

**SO ORDERED:**

Dated: Central Islip, New York  
March 4, 2013

/s/ E. Thomas Boyle  
E. THOMAS BOYLE  
United States Magistrate Judge